

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**MARC SCOTT SILVERBERG,**

**PLAINTIFF,**

**VS.**

**CIVIL ACTION NO. 2:09CV119-P-S**

**BOYD TUNICA, INC. d/b/a SAM'S  
TOWN CASINO & GAMBLING HALL,**

**DEFENDANT.**

**ORDER**

This matter comes before the court upon the U.S. Magistrate Judge's July 16, 2010 Report and Recommendation [39] regarding the defendant's May 24, 2010 motion to dismiss for willful discovery violations. After due consideration of the Report and the parties' responses filed thereto, the court agrees with the recommendation that the motion to dismiss should be denied.

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

(1) The undersigned agrees with, and therefore adopts, the U.S. Magistrate Judge's July 16, 2010 Report and Recommendation [39] that the defendant's May 24, 2010 motion to dismiss for willful discovery violations should be denied; therefore,

(2) The defendant's May 24, 2010 motion [30] to dismiss for willful discovery violations is **DENIED.**

**SO ORDERED** this the 22<sup>nd</sup> day of March, A.D., 2011.

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/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE